



TOWN OF AMENIA

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**TOWN OF AMENIA
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TOWN OF AMENIA PLANNING BOARD

JUL 30 REC'D

Resolution #8 for 2015

TOWN CLERK

July 29, 2015

Resolution Adopting an Amended and Restated Findings Statement Under SEQRA for the Silo Ridge Field Club

WHEREAS, in 2005, Higher Ground Country Club, LLC ("HGCC") proposed the development of a resort community on 670+/- acres located west of NYS Route 22 and north and south of US Route 44 in the Town of Amenia identified as parcel numbers 7066-00-732810, 7066-00-860725, 7066-00-742300, 7066-00-670717, 7067-00-709177 and 7066-00-628131 on the Town of Amenia Tax Map (the "Original Project Site"). The Original Project Site was previously developed with a 170 acre 18-hole championship golf course and clubhouse; and

WHEREAS, the proposed development consisted of the following elements, among other things: condominiums, single-family homes, a resort hotel/lodge, a "winery-themed" restaurant, retail uses, water and waste water treatment facilities, a renovated golf course and a new clubhouse (the "Original Project"). The Original Project was named the Silo Ridge Resort Community; and

WHEREAS, on September 1, 2005, the Planning Board was designated as the lead agency under the State Environmental Quality Review Act ("SEQRA") for the site-specific environmental review of the master development plan for the Original Project. Based upon the criteria for determining significance contained in 6 NYCRR § 617.7(c), the Planning Board determined that a Draft Environmental Impact Statement ("DEIS") was required, and issued a Positive Declaration on September 15, 2005. The Planning Board caused the Positive Declaration to be circulated and filed and caused notice of the Positive Declaration to be published as required by SEQRA; and

WHEREAS, on September 7, 2006, HGCC submitted a proposed DEIS to the Planning Board and requested a determination that the proposed DEIS was complete and adequate for public review. Thereafter, HGCC made numerous revisions to the proposed DEIS in response to comments from the Planning Board and its consultants; and

WHEREAS, on September 19, 2007, HGCC submitted a proposed revised DEIS to the Planning Board and requested a determination that the revised DEIS was complete and adequate for public review; and

WHEREAS, on October 4, 2007, the Planning Board concluded that the DEIS was sufficiently complete for purposes of commencing public review and formally accepted the DEIS for that purpose. The Planning Board caused the DEIS to be circulated and filed as required by SEQRA; caused the DEIS to be posted to a website linked to the Town's official website; scheduled a public hearing on the DEIS for November 17, 2007, and directed that written comments would continue to be accepted for 20 days following the close of the public hearing; and caused a Notice of Completion and Notice of Public Hearing to be circulated and published as required by SEQRA; and

WHEREAS, the Planning Board opened the public hearing on November 17, 2007 and heard public comment on the DEIS and elected to keep the public hearing open pending submission by HGCC of a preliminary master development plan ("PMDP"); and

WHEREAS, on February 7, 2007, the Planning Board accepted the PMDP for SEQRA purposes and caused the PMDP to be circulated to all involved and interested agencies and to be made available to the public on or about February 13, 2008; and

WHEREAS, the public hearing was reconvened on March 5, 2008 for public comment on the DEIS and the PMDP. The Planning Board closed the public hearing that evening but continued to accept written comments on the DEIS and PMDP through March 25, 2008; and

WHEREAS, on April 3, 2008, HGCC submitted a final master development plan ("MDP") to the Planning Board in furtherance of its application for Special Permit/Master Development Plan approval. The MDP included revisions that responded to comments and suggestions made by the public and the Planning Board and its consultants during the DEIS review period; and

WHEREAS, on May 30, 2008, HGCC submitted a proposed Final Environmental Impact Statement ("FEIS") for the Planning Board's review and consideration. Thereafter, HGCC made a number of revisions to the FEIS in response to comments from the Planning Board and its consultants. On September 16, 2008, the FEIS was accepted as complete by the Planning Board; and

WHEREAS, the Planning Board caused the FEIS to be circulated and filed as required by SEQRA; caused the FEIS to be posted to a website linked to the Town's official website; and caused a Notice of Completion to be circulated and published as required by SEQRA. Written comments on the FEIS were accepted until October 24, 2008; and

WHEREAS, on January 9, 2009, the Planning Board adopted a comprehensive Findings Statement for the Original Project under SEQRA (the "2009 SEQRA Findings"); and

WHEREAS, on June 25, 2009, the Planning Board issued a Special Permit ("SUP") (with conditions) and Master Development Plan Approval ("MDPA") and related Findings Statement for the Original Project; and

WHEREAS, in June 2013, the Planning Board renewed the SUP and MDPA for the Original Project until June 25, 2015 pursuant to Section 121-62 of the Town of Amenia Zoning Code (the "Zoning Code"); and

WHEREAS, in October 2013, Silo Ridge Ventures, LLC (the "Applicant"), the successor to HGCC, submitted applications to the Planning Board seeking to modify the Original Project and redevelop the Original Project Site as a mixed-use resort community including, among other things, 52 attached condominiums, 159 single-family detached homes, 13 townhomes, 21 hotel-condominium lodging units, a winery-themed restaurant, an 18-hole golf course, a clubhouse/lodge (with restaurant, bar/lounge and golf pro shop), family activity barn and lake pavilion, fitness spa, yoga center, golf academy, sales center and general store, village green, an "Artisan's Park Overlook," water and waste water plants, recreational and open space amenities and related improvements (the "Modified Project"). The Modified Project was renamed the Silo Ridge Field Club; and

WHEREAS, the Modified Project is proposed to be developed on the Original Project Site and a portion of adjoining tax parcel 7066-00-870350 owned by the Harlem Valley Landfill Corp. ("HVLC Property") located in the Town of Amenia (the "Modified Project Site"); and

WHEREAS, in connection with the Modified Project, the Applicant applied to the Planning Board for, among other things: (1) an amended Special Permit/Master Development Plan approval pursuant to Section 121-18(C)(3) of the Zoning Code; (2) Special Permit approvals for the golf maintenance facility, golf course improvements and waste water plant to be located on a portion of the HVLC Property in the OC zoning district pursuant to Section 121-10(B) of the Zoning Code; (3) a Site Plan approval for the first phase of the Modified Project including the golf maintenance facility, golf course improvements and waste water treatment plant to be located on the HVLC Property; (4) a Preliminary Subdivision approval and lot line adjustment to incorporate a portion of the HVLC Property into the Modified Project Site pursuant to Chapter 105 (the "Subdivision Law") of the Town Code; (5) Special Permit approval for storage at the golf maintenance facility of more than 500 pounds of fertilizers and pesticides/herbicides pursuant to Town Code 121-15(E)(1); and (6) certain waivers and supplementary approvals under the Town's Zoning Code and Subdivision Code (collectively the "Applications"); and

WHEREAS, as part of the Applications, the Applicant also submitted, among other things, an Amended Master Development Plan narrative; Amended Master Development Plan drawings; detailed site plans; and detailed subdivision plans; and

WHEREAS, on March 25, 2014, the Planning Board circulated a full Environmental Assessment Form ("EAF") to all involved agencies for the modified project. On May 15, 2014, the Planning Board designated itself as Lead Agency under SEQRA for review of the Applications; and

WHEREAS, as part of the Applications, the Applicant submitted an Addendum to the EAF containing numerous detailed and thorough plans, reports, studies and other documents evaluating the Modified Project's potential impacts on the following environment topics, among others: soils and geology, water resources, cultural resources, transportation, land use and zoning, the HVLC Property, water and waste water, stormwater, aesthetic resources, fiscal resources, fire safety, local and regional plan consistency, floodplains, vegetation and wildlife (collectively, the "Supplemental SEQRA Materials"); and

WHEREAS, the Planning Board, with the assistance of its technical and legal consultants, engaged in a detailed review of the Applications and all Supplemental SEQRA Materials; and

WHEREAS, on August 21, 2014, the Planning Board determined the Applications complete for purposes of public review and caused the Applications and Supplemental SEQRA Materials to be available at, among other places, the Town Hall, Amenia Public Library and posted to a website linked to the Town's official website; and

WHEREAS, on September 4, 2014 and September 18, 2014, the Planning Board held public hearings on the Applications and Supplemental SEQRA Materials. The Planning Board continued the public hearing to allow the Applicant to revise the Applications and Supplemental SEQRA Material in response to comments from the Planning Board, its consultants and the public; and

WHEREAS, the Applicant submitted revised Applications and revised Supplemental SEQRA Material to the Planning Board for its consideration. The Applicant also submitted their responses, in writing, to all substantive comments received from the Planning Board, its consultants and the public during the public hearing period; and

WHEREAS, on April 8, 2015, the Planning Board determined the revised Applications and revised Supplemental SEQRA Materials to be complete for purposes of public review and scheduled a continuation of the public hearing for April 28, 2015. On April 9, 2015, the Applicant submitted a letter to the Planning Board requesting that the public hearing be rescheduled to May 5, 2015, to provide the Planning Board and the public additional time to review the revised Applications and revised Supplemental SEQRA Materials; and

WHEREAS, on May 5, 2015, the Planning Board held, and closed, the public hearings on the revised Applications and revised Supplemental SEQRA Materials; and

WHEREAS, the Applicant further revised the Applications and Supplemental SEQRA Materials in response to comments received from the Planning Board, its consultants and the public during the May 5th public hearing. The Applicant also submitted written responses to new comments made during the hearing. These further revised materials were submitted to the Planning Board for its consideration; and

WHEREAS, the Planning Board has also considered written comments on the Modified Project from a variety of involved and interested agencies including, but not limited to, the New

York State Department of Transportation, the New York State Department of Environmental Conservation, the Dutchess County Department of Planning, the Dutchess County Department of Health, the Amenia Fire Department, the Wassaic Fire Department, the Town of Amenia Code Enforcement Officer, U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, among others; and

WHEREAS, the Planning Board, with the assistance of its ecological, planning, engineering, visual and legal consultants thoroughly reviewed the EAF, the Applications and revised Supplemental SEQRA Material to identify the relevant areas of environmental concern and thoroughly analyzed the identified areas of environmental concerns to determine if the Modified Project may have a significant adverse impact on the environment; and

WHEREAS, after conducting this analysis, the Planning Board has determined that, overall, the Modified Project reduces the environmental impacts previously identified and approved for the Original Project; and

WHEREAS, 6 NYCRR §617.11 states that “[i]f a project modification or change of circumstances related to the project requires a lead agency or involved agency to substantively modify its decision, findings may be amended and filed in accordance with [SEQRA].” As noted above, the Applicant has substantively modified the Original Project; the Planning Board has thoroughly analyzed the potential environmental impacts related to the Modified Project; and now desires to amend its 2009 SEQRA Findings to address the Modified Project; and

WHEREAS, as required by 6 NYCRR §617.11, the Planning Board has prepared an extensive Amended and Restated Findings Statement (“Amended Findings Statement”), attached hereto, with the assistance of its ecological, planning, engineering, visual and legal consultants that: (1) considers the relevant environmental impacts, facts and conclusions disclosed in the FEIS, the Applications and the revised Supplemental SEQRA Material; (2) weighs and balances the relevant environmental impacts with social, economic and other considerations; (3) provides a rationale for the Planning Board’s decision; (4) certifies that the requirements of SEQRA have been met; and (5) certifies that consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Modified Project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and (6) certifies that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating the mitigation measures set forth in the Amended Findings Statement; and

WHEREAS, Sections 121-20(A)(4) and 121-18(C)(2) of the Town Zoning Code require the Planning Board to prepare conservation findings to determine which land on the Modified Project Site has the most conservation value and should be protected from development by a conservation easement. With the assistance of its ecological consultant, the Planning Board has prepared conservation findings for the Modified Project and such findings have been attached and incorporated into the Amended Findings Statement. Based on these findings, a conservation easement has been prepared which protects no less than 80% of the overall Modified Project Site.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to 6 NYCRR §617.11, the Planning Board adopts the attached Amended Findings Statement (dated July 29, 2015) for the Modified Project and authorizes the Board's Chairman to sign the Amended Finding Statement; and

BE IT FURTHER RESOLVED, that pursuant to 6 NYCRR §617.12, the Planning Board shall cause this resolution and the attached Amended Findings Statement to be sent to: (1) the Town of Amenia Town Supervisor, (2) the Planning Board, (3) all involved agencies, (4) any person who has requested a copy, and (5) the Applicant; and

BE IT FURTHER RESOLVED, that one or more copies of the Amended Findings Statement shall be immediately filed in the Town Clerk's Office and posted on the Town's website and shall be made available for public inspection during normal business hours.

Motion By: Peter Clair

Second By: Erich McEnroe

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Joseph Fontaine, Chairman	<u>✓</u>	_____	_____	_____	<u>[Signature]</u>
Peter Clair	<u>✓</u>	_____	_____	_____	<u>[Signature]</u>
John Stefanopoulos	<u>✓</u>	_____	_____	_____	<u>[Signature]</u>
Nathan Roy	<u>✓</u>	_____	_____	_____	<u>[Signature]</u>
Anthony Robustelli	<u>✓</u>	_____	_____	_____	<u>[Signature]</u>
Erich McEnroe	<u>✓</u>	_____	_____	_____	<u>[Signature]</u>
Bill Kroeger	_____	_____	_____	<u>✓</u>	_____

Dated: July 29, 2015
Amenia, New York

[Signature]
Joseph Fontaine, Chairman
Town of Amenia Planning Board